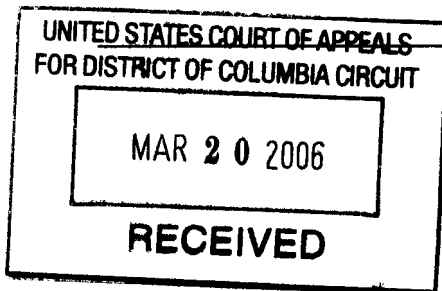




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March 20, 2006

Mr. Mark J. Langer
Clerk, United States Court of Appeals
for the District of Columbia Circuit
United States Courthouse
Room 5423
Third & Constitution Avenue, N.W.
Washington, D.C. 20001

Re: Cobell v. Norton, No. 05-5388

Dear Mr. Langer:

Pursuant to Rule 28(j), we attach the "scorecard" on computer security issued by the House Committee on Government Reform, recently placed on the website of Congressman Tom Davis. Interior, along with seven other agencies, received an "F." See attached chart [<http://reform.house.gov/GovReform/News/DocumentSingle.aspx?DocumentID=40762>]. The scorecard indicates that it is based on reports required by the Federal Information Security Management Act of 2002.

We provide this scorecard for the Court's information because previous editions have been cited in the briefs. See Gov't Br. 29. As we noted, an agency's "grade" may rise or fall from year to year, and the primary significance of the "scorecard" is that it highlights the difficulties faced by agencies government-wide. As particularly relevant here, the scorecard provides no reason to conclude that Individual Indian Trust Data is at imminent risk of corruption, and there is also no reason to believe that any aspect of the district court's order would be likely to result in systemwide security improvements. These points are discussed at length at many points in our opening and reply briefs.

We would appreciate it if you would distribute copies of this letter, with its attachment, to the members of the panel before whom oral argument is scheduled on April 11, 2006. Thank you very much for your assistance.

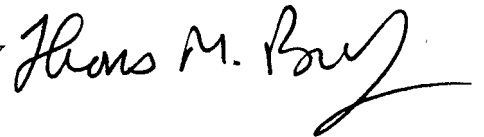
Respectfully submitted,

PETER D. KEISLER
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Attorneys, Appellate Staff

A handwritten signature in black ink, appearing to read "Thomas M. Bondy", is written over the printed name of Thomas M. Bondy.

cc: Elliott H. Levitas
G. William Austin, III
Mark I. Levy
Dennis Marc Gingold
Keith M. Harper
Earl Old Person

COMPUTER SECURITY REPORT CARD

March 16, 2006

GOVERNMENTWIDE GRADE 2005: D+

	2005	2004	2005	2004
AGENCY FOR INTERNATIONAL DEVELOPMENT	A+	A+	DEPARTMENT OF COMMERCE	D+ F
DEPARTMENT OF LABOR	A+	B-	DEPARTMENT OF JUSTICE	D B-
SOCIAL SECURITY ADMINISTRATION	A+	B	NUCLEAR REGULATORY COMMISSION	D- B+
OFFICE OF PERSONNEL MANAGEMENT	A+	C-	DEPARTMENT OF TREASURY	D- D+
ENVIRONMENTAL PROTECTION AGENCY	A+	B	DEPARTMENT OF ENERGY	F F
NATIONAL SCIENCE FOUNDATION	A	C+	DEPARTMENT OF VETERANS AFFAIRS	F F
GENERAL SERVICES ADMINISTRATION	A-	C+	DEPARTMENT OF HEALTH AND HUMAN SERVICES	F F
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	B-	D-	DEPARTMENT OF THE INTERIOR	F C+
SMALL BUSINESS ADMINISTRATION	C+	D-	DEPARTMENT OF DEFENSE	F D
DEPARTMENT OF TRANSPORTATION	C-	A-	DEPARTMENT OF STATE	F D+
DEPARTMENT OF EDUCATION	C-	C	DEPARTMENT OF HOMELAND SECURITY	F F
HOUSING AND URBAN DEVELOPMENT	D+	F	DEPARTMENT OF AGRICULTURE	F F